

Zambia

## Consular Conventions Act, 1951

### Chapter 21

Legislation as at 31 December 1996

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Consular Conventions Act, 1951 (Chapter 21)

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## Zambia

# Consular Conventions Act, 1951

## Chapter 21

Commenced on 13 July 1951

*[This is the version of this document at 31 December 1996.]*

*[This legislation has been revised and consolidated by the Ministry of Legal Affairs of the Government of the Republic of Zambia. This version is up-to-date as at 31st December 1996. All subsequent amendments have been researched and applied by Laws.Africa for ZAMBIALII.]*

*[2 of 1951; Federal Act 31 of 1956; Government Notice 497 of 1964]*

**An Act to confer upon the consular officers of foreign States with which consular conventions are concluded certain powers relating to the administration of the estates and property of deceased persons; and to provide for matters incidental thereto or connected therewith.**

### 1. Short title

This Act may be cited as the Consular Conventions Act.

### 2. Powers of consular officers in relation to property in the Republic of deceased persons

- (2) Where any person who is a national of a State to which this section applies is named as executor in the will of a deceased person disposing of property in the Republic, or is otherwise a person to whom a grant of representation to the estate in the Republic of a deceased person may be made, then if the court is satisfied, on the application of a consular officer of such State, that such national is not resident in the Republic, and if no application for a grant of such representation is made by a person duly authorised by power of attorney to act for him in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorised as aforesaid:

Provided that the court may, if it thinks fit, postpone the making of a grant by virtue of this section during such period as the court considers appropriate having regard to the circumstances of the case.

*[Please note: numbering as in original.]*

- (2) Where any person who is a national of a State to which this section applies—
- (a) is entitled to payment or delivery of any money or property in respect of any interest in the estate of a deceased person, or vesting in possession on the death of any person, or is entitled to payment of any money becoming due on the death of any person; or
  - (b) is a person to whom any money or property comprised in the estate of a deceased person may be paid or delivered in pursuance of any enactment, rule or regulation, whether passed or made before or after the commencement of this Act, authorising the payment or delivery of such money or property without representation to the estate of the deceased being granted;

then if the said national is not resident in the Republic, a consular officer of that State shall have the like right and power to receive and give a valid discharge for any such money or property in the Republic as if he were duly authorised by power of attorney to act for him in that behalf:

Provided that no person shall be authorised or required by this subsection to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in the

Republic has been expressly authorised to receive that money or property on behalf of the said national.

*[Please note: numbering as in original.]*

- (3) A grant of administration made by virtue of this section may be made to the consular officer by his official title, and to his successors in office; and where a grant is so made, the office of administrator, and all the estate, rights, duties and liabilities of the administrator (including liabilities under the administration bond) shall be vested in and imposed on the person for the time being holding the office, and no fresh grant shall be required by reason only of the death or vacation of office of the person to whom the grant was made or in whom it is vested as aforesaid:

Provided that nothing in this subsection shall affect any limitation contained in the grant, or any power of the court to revoke the grant.

- (4) Without prejudice to the provisions of section 81 of the Court of Probate Act, 1857, of the United Kingdom (which enables probate rules and orders to dispense with sureties to administration bonds in certain cases), sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

### **3. Supplementary provisions as to section 2**

Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on him by or under section two, or in respect of any document for the time being in his possession relating thereto.

### **4. Application of section 2**

The President may, by statutory order, direct that section two shall apply to any foreign State specified in the order, being a State with which a consular convention providing for matters for which provision is made by that section has been concluded.

*[As amended by Federal Act [No. 31 of 1956](#)]*